

PRESIDING OFFICER'S
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RULING NO. R97-1/10
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UNITED STATES OF AMERICA
POSTAL RATE COMMISSION
WASHINGTON, D.C. 20268

POSTAL RATE COMMISSION
OFFICE OF THE SECRETARY

Postal Rate and Fee Changes

Docket No. R97-1

PRESIDING OFFICER'S RULING GRANTING
MOTIONS FOR LATE ACCEPTANCE
AND MOTION FOR EXTENSION OF TIME TO FILE

(August 27, 1997)

The Postal Service has filed several motions for late acceptance of responses and one motion for extension of time to file responses which will be addressed in the body of this ruling.

Three of these motions¹ requested that interrogatory responses be accepted one day out of time, due to the need for the witness to consult with other Postal Service personnel prior to submitting responses. In order to minimize the inconvenience to NDMS and ANM, the Postal Service provided copies by facsimile. Counsel for Time Warner did not object to the brief delay. I will grant these motions.

Two of the motions² addressed responses provided by witness O'Hara to interrogatories of the Office of the Consumer Advocate and United Parcel Service. In

¹ Motion of the United States Postal Service for Late Acceptance of Filing of Responses to Interrogatories of Nashua, District, Mystic & Seattle (NDMS/USPS-T32-1-T32-15), filed August 18, 1997; Response of United States Postal Service Witness Moden to Interrogatory of Time Warner, Inc. (TW/USPS-T4-12) and Motion for Extension of Time to Respond to TW/USPS-T4-11, 13-16, filed August 18, 1997 (as revised August 19, 1997); and Motion for Late Acceptance and Response of United States Postal Service Witness Daniel to Interrogatories of the Alliance of Nonprofit Mailers (ANM/USPS-T29-1-17), filed August 19, 1997.

² Responses of United States Postal Service witness O'Hara to Interrogatories of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-T30-1-4), filed August 22, 1997; and

each instance the responses were delayed due to the need to update exhibits to which the interrogatories referred. The responses were filed as soon as the revised exhibits were available. I will grant these motions.

One motion³ requested acceptance of answers one day out of time due to a *misunderstanding in the due date of the responses*. Postal Service counsel contacted the OCA and provided copies via facsimile as soon as they were available. As no participant will be prejudiced by the delay, I will grant the motion.

On August 21, 1997, the Postal Service filed a motion requesting late acceptance of responses to DMA/USPS-T30-1-3, 7-10.⁴ These responses were filed seven working days out of time. The Postal Service indicated that this delay was due to the need for witness O'Hara to consult with other Postal Service personnel, who had been out of the office, prior to providing responses. Postal Service counsel provided DMA with facsimile copies of witness O'Hara's responses. I will grant this motion.

RULING

1. The Motion of the United States Postal Service for Late Acceptance of Filing of Responses to Interrogatories of Nashua, District, Mystic & Seattle (NDMS/USPS-T31-1 - T32-15), filed August 18, 1997, is granted.

2. The Response of United States Postal Service Witness Moden to Interrogatory of Time Warner, Inc. (TW/USPS-T4-12) and Motion for Extension of Time to Respond to TW/USPS-T4-11, 13-16, filed August 18, 1997 (as revised August 19, 1997), is granted.

Response of United States Postal Service Witness O'Hara to Interrogatory of United Parcel Service and Motion for Late Acceptance (UPS/USPS-T30-6), filed August 22, 1997.

³ United States Postal Service Motion for Late Acceptance of Witness Lion's Responses to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-T24-10-19), filed August 7, 1997.

⁴ Responses of United States Postal Service Witness O'Hara to Interrogatories of Direct Marketing Association and Motion for Late Acceptance (DMA/USPS-T30-1-3, 7-10).

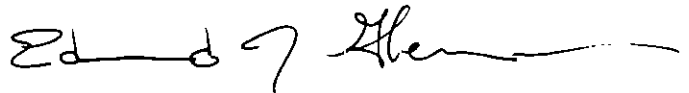
3. The Motion for Late Acceptance and Response of United States Postal Service Witness Daniel to Interrogatories of the Alliance of Nonprofit Mailers (ANM/USPS-T29-1-17), filed August 19, 1997, is granted.

4. The Response of United States Postal Service Witness O'Hara to Interrogatory of United Parcel Service and Motion for Late Acceptance (USPS/USPS-T30-6), filed August 22, 1997, is granted.

5. Responses of United States Postal Service Witness O'Hara to Interrogatories of the Office of the Consumer Advocate and Motion for Late Acceptance (OCA/USPS-T30-1-4), filed August 22, 1997, is granted.

6. The United States Postal Service Motion for Late Acceptance of Witness Lion's Responses to Interrogatories of the Office of the Consumer Advocate (OCA/USPS-T24-10-19), filed August 7, 1997, is granted.

7. Responses of United States Postal Service Witness O'Hara to Interrogatories of Direct Marketing Association and Motion for Late Acceptance (DMA/USPS-T30-1-3, 7-10), filed August 21, 1997, is granted.


Edward J. Gleiman
Presiding Officer